



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Northwest Region  
7600 Sand Point Way  
Bin C15700, Bldg 1  
Seattle, Washington 98115-0070

Refer to:  
OSB2000-0128

June 28, 2000

Mr. Harry R. Cosgriffe, Area Manager  
Central Oregon Resource Area  
Bureau of Land Management  
Prineville District Office  
P.O. Box 550  
Prineville, Oregon 97754

JUL 12 2000  
BLM PRINEVILLE  
DISTRICT

Re: Section 7 Informal Consultation on Ongoing and Proposed Actions in the Central Oregon Resource Area, Prineville District, Bureau of Land Management, John Day River Basin

Dear Mr. Cosgriffe:

This responds to your June 5, 2000, letter received by the National Marine Fisheries Service (NMFS) on June 7, and accompanying Biological Assessment (BA), requesting formal consultation on Bureau of Land Management (BLM) actions within the Central Oregon Resource Area (CORA) which "may affect" Middle Columbia River (MCR) steelhead (*Oncorhynchus mykiss*). MCR steelhead were listed as threatened under the Endangered Species Act (ESA) by the NMFS on March 25, 1999 (64 FR 14517; March 25, 1999). The NMFS designated critical habitat for MCR steelhead on February 16, 2000 (65 FR 7764). The subject actions, except for those upstream from Izee Falls on the South Fork John Day River (SFJDR), are within proposed critical habitat for MCR steelhead. This consultation is undertaken under section 7 (a)(2) of the ESA and its implementing regulations, 50 CFR Part 402.

In the BA, the BLM determined that proposed grazing on 109 livestock grazing allotments within the CORA for the 2000 grazing season and proposed prescribed burning in the Sutton Mountain area in 2000 "may affect, but are not likely to adversely affect" (NLAA) MCR steelhead or their designated critical habitat. The NLAA livestock grazing allotments covered by this concurrence letter are listed in Table 1 (Attached). The livestock grazing allotments and their current management are individually described in detail in Appendix C of the BA and those descriptions are incorporated herein by reference. In 2000, prescribed burning on BLM lands in the John Day River basin would occur on approximately 5,000 acres in the Sutton Mountain/Mitchell area. There are no perennial streams in the area to be burned and burning would occur primarily in upland areas of sagebrush-juniper plant associations.

The BLM also determined in the BA that livestock grazing on 29 livestock grazing allotments for the 2000 grazing season is "likely to adversely affect" (LAA) MCR steelhead. Those LAA grazing actions are addressed in a biological opinion to be issued by NMFS at a later date.



NMFS concurs with the BLM's determinations that the livestock grazing on the 109 allotments listed in Table 1 and the prescribed burning project in the Sutton Mountain area are NLAA MCR steelhead or their designated critical habitat. Regarding livestock grazing allotments, NMFS' decision is based on the determination that: (1) Fencing or existing topographical and other natural features (e.g. thick brush, downed trees) prevent livestock access to tributary streams where MCR steelhead may spawn; (2) the mainstem John Day River in these allotments serves only as migratory habitat for MCR steelhead ; and, (3) current grazing management strategies and monitoring implemented by the BLM minimize impacts of livestock grazing on riparian vegetation and streambank stability on BLM lands along the mainstem John Day River and its tributaries. Regarding proposed prescribed burning for 2000 on the CORA: (1) Burning would occur primarily in upland areas of sagebrush-juniper plant associations; and, (2) there are no perennial streams within the area to be burned and fire would not be ignited in riparian areas of intermittent streams. The BLM determined in the BA that all aquatic habitat indicators listed in NMFS' Matrix of Pathways and Indicators (MPI) would be maintained by all grazing actions listed in Table 1 below and by the prescribed burning project. Thus, the NMFS believes there is less than a negligible likelihood of incidental take of MCR steelhead or adverse effects to designated critical habitat occurring due to the subject actions.

The BLM must reinitiate this ESA consultation if: (1) New information reveals that effects of the actions may affect listed species in a way not previously considered; (2) the actions are modified in a way that causes an effect on listed species that was not previously considered; or, (3) a new species is listed or critical habitat is designated that may be affected by the actions (50 CFR 402.16). The BLM must also reinitiate consultation if the actions are not in compliance with requirements of NMFS' broad-scale biological opinion being developed in consultation with the BLM for the Resource Management Plan as amended by PACFISH, within the MCR steelhead ESU.

Questions regarding this letter should be directed to Ron Lindland of my staff in the Oregon Branch Office at 503-231-2315.

Sincerely,

*For - Michael R. Grouse*  
- William Stelle, Jr.  
Regional Administrator

Attachment

cc: Doug Young, U.S. Fish and Wildlife Service  
Tim Unterwegner, Oregon Department of Fish and Wildlife



Table 1. Range Allotments on BLM lands in the John Day River Basin which were determined to be NLAA for FY 2000 in May, 2000 Biological Assessment and for which NMFS concurs with that determination

<b>Allotment Number</b>	<b>Allotment Name</b>	<b>Rationale for NLAA Determination</b>
2501	Herbert Asher	No steelhead habitat on BLM land; no downstream effects
2508	Bear Creek	No perennial streams; no downstream effects from intermittent streams
2512	Big Muddy	Mainstem John Day River; migratory only
2514	Black Rock Association	No steelhead habitat on BLM land
2516	Gable Creek	30 days of winter grazing beginning November 1; short duration grazing protects riparian areas
2520	Smith Point	Mainstem John Day River; migratory only; much of riparian area along river is fenced to exclude cattle
2523	Kahler Creek	No streams on BLM land; upland use only
2524	Buck Hollow	No perennial streams; no downstream effects from intermittent streams
2525	Rock Creek	No streams on BLM land
2531	Circle Bar	Winter grazing by cattle beginning November 1; spring grazing by sheep 4/1 - 5/30
2532	Tom Cole	Mainstem John Day River; migratory only
2533	Sutton Mountain	Mainstem John Day River is migratory only; Bridge Creek excluded by fencing
2535	Hayfield	Mainstem John Day River; migratory only
2544	Circle S Ranch	Mainstem John Day River; migratory only
2545	Cherry Creek	Mainstem John Day River; migratory only
2551	Clinton O. Harris	Potential steelhead spawning/rearing in West Fork Birch Creek; stream is inaccessible to cattle on BLM land because of brush and steep topography
2556	Murray Howard	Mainstem John Day River; migratory only
2560	Baseline	Mainstem John Day River; migratory only

<b>Allotment Number</b>	<b>Allotment Name</b>	<b>Rationale for NLAA Determination</b>
2561	Girds Creek	No grazing will be allowed in riparian area of Girds Creek; riparian area is fenced
2563	Horseshoe Creek	Mainstem John Day River; migratory, Horseshoe Creek inaccessible because of steep canyon; winter grazing only beginning November 1; riparian area along river is fenced
2565	Leroy A. Britt	Steep stream gradient and lack of spawning gravel in 0.2 mile of Left Hand Creek on BLM land
2566	Justesen	No perennial streams on BLM land
2577	Byrds Point	Mainstem John Day River; migratory only
2578	Logan	No perennial streams on BLM land, grazing between 9/15 and 12/31
2584	Catherine Maurer	Mainstem John Day River; migratory only; riparian pastures fenced on both sides of river
2587	Corral Canyon	No steelhead habitat on BLM land
2593	Verne A. Mobley	Winter grazing only in Pine Hollow riparian area
2601	Victor B. Nash	No steelhead habitat on BLM land
2608	Rattray	No steelhead spawning habitat in portion of Thirtymile Creek on BLM land
2609	Crown Rock	Livestock will be excluded from riparian area of Bear Creek by fencing
2611	Van Rietmann	Steep topography excludes access to the 0.1 mile of Ferry Canyon
2613	Frank R. Robinson	Mainstem John Day River; migratory only
2623	Steiwer Ranches	Mainstem John Day River; migratory only
2629	Tatum	Mainstem John Day River and Pine Hollow Creek; migratory only; riparian area along river not grazed in 15 years
2631	Dipping Vat	Low flows and lack of steelhead spawning habitat in Little Ferry Canyon
2639	Tubb Creek	Lack of spawning habitat on BLM land
2642	Lillian C. Mascal	Pasture containing Indian Creek is grazed between 8/22 and 10/30
2660	Rattlesnake Creek	Lack of spawning habitat in Birch Creek on BLM land
4001	Johnny Creek	Fall grazing only from 10/1 to 11/30
4003	Slicear Mountain	North Fork and Middle Fork John Day; migratory and winter rearing only; riparian area along North Fork is excluded by fence

<b>Allotment Number</b>	<b>Allotment Name</b>	<b>Rationale for NLAA Determination</b>
4006	Damon Creek	No steelhead habitat on BLM land
4007	Windy Point	No steelhead habitat on BLM land
4009	Birch Creek	North Fork John Day River; migratory and winter rearing only
4012	River	North Fork John Day River; migratory and winter rearing only
4014	Middle Fork	Middle Fork John Day River; migratory and winter rearing only; dense brush prevents livestock access to Huckleberry Creek
4015	Mud Springs	Steep topography prevent access by cattle to 0.2 mile of Graves Creek on BLM land
4022	Long Hollow	Steep canyon prevents access by livestock; no steelhead spawning habitat in Cottonwood Creek on BLM land
4025	Portuguese	No steelhead habitat on BLM land; ephemeral draws only
4028	Neal Butte	North Fork John Day River; migratory and winter rearing only
4030	Powersite	No steelhead habitat on BLM land; ephemeral draws only
4031	Coyote Field	No steelhead habitat on BLM land; ephemeral draws only
4037	Juniper	No steelhead habitat on BLM land; intermittent draws
4038	Dayville	Battle Creek inaccessible to steelhead because of diversion on private land
4041	Franks Creek	Lack of steelhead spawning habitat on BLM land
4047	Little Indian	Dense riparian vegetation limit cattle access to creek
4049	Battle Creek	Battle Creek inaccessible to steelhead because of diversion on private land
4050	Jinks Creek	No steelhead habitat on BLM land; intermittent draws
4059	Cold Springs	No steelhead habitat on BLM land; steep gradient (30%) in Capsuttle Creek
4060	Baker City	Natural barrier downstream from BLM lands on Franks Creek
4061	Scott Creek	No steelhead habitat on BLM land; intermittent draws only
4065	East Franks Creek	No steelhead habitat on BLM land; intermittent draws only; upstream from barrier waterfall
4066	Kidd Creek	No steelhead habitat on BLM land; ephemeral draws only
4067	Sheep Creek	Upstream from Izee Falls, a natural barrier on South Fork John Day River

<b>Allotment Number</b>	<b>Allotment Name</b>	<b>Rationale for NLAA Determination</b>
4068	Sheep Gulch	Upstream from Izee Falls, a natural barrier on South Fork John Day River
4069	Big Springs	No steelhead habitat on BLM land; intermittent draws only
4074	McCarty Creek	Branson Creek inaccessible to steelhead on BLM land because of steep gradient; lack of spawning habitat
4077	Moon Mountain	McClellan Creek inaccessible to livestock because of dense riparian vegetation
4078	Gibson Hill	No steelhead habitat on BLM land; intermittent draws only
4083	19 20	North Fork John Day River; migratory and winter rearing only
4086	Rudio Mountain	No steelhead habitat in Johnny Creek because of steep 12% gradient; steep topography limits access by livestock
4087	Blue Basin	No steelhead habitat on BLM land; ephemeral draw only
4092	Little Beach	No steelhead habitat on BLM land; ephemeral draw only
4094	Dry Creek	No steelhead habitat on BLM land; ephemeral draw only
4095	Fields Creek	No steelhead habitat on BLM land; steep stream gradient
4099	Indian	No fishery potential on BLM land; ephemeral draw
4100	Bobcat	No steelhead habitat on BLM land; intermittent draws only
4104	South Fork	Upstream from Izee Falls, a natural barrier on South Fork John Day River
4106	Izee	Upstream from Izee Falls, a natural barrier on South Fork John Day River
4109	Big Canyon Creek	No steelhead habitat on BLM land; 26% stream gradient
4110	Funny Butte	Upstream from Izee Falls, a natural barrier on South Fork John Day River
4112	Cottonwood Forks	Limited access to Cottonwood Creek due to steep topography
4113	Courthouse Rock	No steelhead habitat on BLM land; intermittent draws only
4118	Beech Creek	Fall grazing on BLM land (Sept.-Nov.); riparian vegetation in good condition
4119	Black Canyon	No steelhead habitat on BLM land
4120	Ferris Creek	Lack of steelhead spawning habitat on BLM land
4121	Airport	No steelhead habitat on BLM land; steep gradient (13%)



<b>Allotment Number</b>	<b>Allotment Name</b>	<b>Rationale for NLAA Determination</b>
4124	Smokey Creek	Access to Smokey Creek currently blocked by impassable culvert
4125	Umatilla	North Fork John Day River; migratory and winter rearing only
4128	Cummings Creek	No steelhead habitat on BLM land; intermittent draws only
4129	Belshaw Creek	Steep, narrow canyon and lack of steelhead spawning habitat on 0.1 mile of stream on BLM land
4131	Day Creek	Impassable barrier downstream from BLM land
4134	Lookout	No steelhead habitat on BLM land; intermittent draws only
4135	Gibson Creek	Middle Fork John Day River; migratory and winter rearing only
4136	Baldwin Gulch	Long Creek on the allotment serves only as migratory habitat for MCR steelhead
4139	Bone Yard	No steelhead habitat on BLM land; intermittent draws only
4141	Pine Creek	No steelhead habitat on BLM land; intermittent draws only
4145	Two County	Limited access to streams by livestock because of steep topography
4154	Morgan Creek	Upstream from Izee Falls, a natural barrier on South Fork John Day River
4155	Blackhorse Draw	Upstream from Izee Falls, a natural barrier on South Fork John Day River
4156	Rudio Creek	Pasture containing Rudio Creek is grazed after July 15; steelhead rearing habitat only
4158	Fall Mountain	No steelhead habitat on BLM land; intermittent draws only
4164	Corral Gulch	No steelhead habitat on BLM land; intermittent draws only
4167	Quarry	No steelhead habitat on BLM land
4172	Cummings Fork	No steelhead habitat on BLM land; intermittent draws only
4174	Reynolds Creek	No steelhead habitat on BLM land; intermittent draws only
4176	Dick Creek	No steelhead habitat on BLM land; intermittent stream
4181	Dog Creek Ridge	No steelhead habitat on BLM land; intermittent draws only
4184	Pass Creek	No steelhead habitat on BLM land; intermittent draws only
4186	Big Flats	Upstream from Izee Falls, a natural barrier on South Fork John Day